

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1634

Introduced by Assembly Member Levine
(Principal coauthor: Senator Padilla)
(Coauthor: Assembly Member Nava)

February 23, 2007

An act to add Chapter 9 (commencing with Section 122336) to Part 6 of Division 105 of the Health and Safety Code, relating to pets.

LEGISLATIVE COUNSEL'S DIGEST

AB 1634, as amended, Levine. California Healthy Pets Act.

Existing law sets forth provisions relating to veterinary public health and safety and provides for or regulates spay, neuter, and breeding programs for animals.

This bill would prohibit any person from owning or possessing any ~~unaltered~~ cat or dog over the age of 4 months *that has not been spayed or neutered*, unless that person possesses an intact permit, as ~~specified~~ *defined*. The bill would establish an intact permit fee in an amount to be determined by a local jurisdiction, ~~as defined~~, and would require the revenue from these fees to be used for the administration of the local jurisdiction's permit program. The bill would make a violation of these provisions punishable by a prescribed ~~fine~~.

~~The bill~~ *civil penalty*. It would require all revenues derived from these ~~fin~~ *es civil penalties* to be used for funding ~~free and low-cost spay and neuter programs, and outreach efforts for these programs, which would be required to be established by each local animal control agency, to the extent that funding is available, and for the enforcement of these provisions, and, to the extent funding is available, free and low-cost~~

spay and neuter programs, and outreach efforts for those programs, which would be required to be established by each local animal control agency.

By increasing the enforcement responsibility of local agencies, this bill would create a state-mandated local program.

The bill would become operative on April 1, 2008.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the California Healthy Pets Act.

SEC. 2. Chapter 9 (commencing with Section 122336) is added to Part 6 of Division 105 of the Health and Safety Code, to read:

CHAPTER 9. SPAY AND NEUTER PROGRAM FOR CATS AND DOGS

Article 1. Definitions

122336. For purposes of this chapter, the following definitions shall apply:

(a) ~~“Alter” means to spay or neuter an animal, as performed by a California licensed veterinarian.~~

~~(b)~~

(a) “Intact permit” means a document issued annually by a local jurisdiction *or its local animal control agency if authorized to issue these permits*, that authorizes a person to own or possess within that locality an unaltered cat or dog *and meets the requirements of subdivision (a) of Section 122336.2. A dog or cat license that meets the requirements of subdivision (a) of Section 122336.2 shall be considered a permit for purposes of this chapter.*

~~(e)~~

1 (b) “Local animal control agency” means the municipal or
2 county animal control agency or other entity responsible for
3 enforcing animal-related laws.

4 ~~(d)~~

5 (c) “Local jurisdiction” means any city, county, or city and
6 county.

7 (d) *“Spay or neuter” means any procedure, as performed by a*
8 *duly licensed veterinarian, that permanently sterilizes an animal*
9 *and makes it incapable of reproduction.*

10
11 Article 2. General Provisions
12

13 122336.1. (a) A person shall not own or possess within the
14 state any cat or dog over the age of four months that has not been
15 spayed or neutered, unless that person possesses an intact permit,
16 as defined in subdivision (b) of Section 122336.

17 (b) Any person who violates subdivision (a) shall be subject to
18 the following:

19 (1) Unless paragraph (2) applies, a person in violation of
20 subdivision (a) shall have his or her cat or dog spayed or neutered
21 within 30 days from the date of compliance as required under this
22 section or Article 3 (commencing with Section 122336.2),
23 whichever is applicable.

24 (2) If a person in violation of subdivision (a) provides a letter
25 from a California licensed veterinarian indicating that due to age,
26 poor health, or illness, it is unsafe to spay or neuter the cat or dog
27 within 30 days from the date of compliance under this section or
28 Article 3 (commencing with Section 122336.2), whichever is
29 applicable, and indicating that arrangements have been made to
30 ~~alter~~ *spay or neuter* the cat or dog within 75 days from that date
31 of compliance, he or she shall have his or her cat or dog spayed
32 or neutered within that 75-day period.

33 (3) Any person who violates subdivision (a) shall, for each
34 animal for which a violation has occurred, be subject to a civil
35 penalty of five hundred dollars (\$500) for each applicable period
36 of noncompliance, as set forth in paragraphs (1) and (2). This
37 penalty shall be imposed in addition to any other civil or criminal
38 penalties imposed by the local jurisdiction.

39 (c) Any fines imposed under subdivision (b) ~~shall~~ *may* be waived
40 by the local jurisdiction if the person in violation provides ~~proof~~

1 verification that his or her cat or dog has been spayed or neutered
2 ~~by a California licensed veterinarian or provides proof that he or~~
3 ~~she has obtained an intact permit for the cat or dog.~~

4 (d) Any person who, on or after April 1, 2008, is in possession
5 of an intact permit or a document that qualifies as an intact permit,
6 as defined in subdivision (a) of Section 122336, shall be deemed
7 in compliance with this act until the permit expires, and in any
8 event, not later than January 1, 2009, shall be required to comply
9 with subdivision (a), unless that person qualifies for a new intact
10 permit pursuant to Article 3 (commencing with Section 122336.2).

11 12 Article 3. Permits

13
14 122336.2. (a) A local jurisdiction shall issue an intact permit,
15 as defined in subdivision ~~(b)~~ (a) of Section 122336, if ~~all~~ any of
16 the following conditions ~~are~~ is met:

17 (1) ~~The cat or dog is registered as a purebred with a pedigree~~
18 ~~with any of the following organizations:~~

19 ~~(A) The American Kennel Club.~~

20 ~~(B) The United Kennel Club.~~

21 ~~(C) The American Dog Breeders Association.~~

22 ~~(D) The International Cat Association.~~

23 ~~(E) A recognized registry approved by the local animal control~~
24 ~~agency.~~

25 (1) The owner demonstrates, by providing a copy of his or her
26 business license and federal and state tax number, or by other
27 means, as determined by the local entity authorized to issue
28 permits, that he or she is doing business and is licensed as a
29 breeder by the local jurisdiction or its authorized local animal
30 control agency.

31 (2) The owner sufficiently demonstrates, as determined in the
32 discretion of the local entity authorized to issue intact permits, all
33 of the following:

34 (A) His or her cat or dog is used to show or compete and has
35 competed in at least one legitimate show or sporting competition
36 within the last two years.

37 (B) His or her cat or dog is a valid breed that is recognized by
38 an approved registry.

39 (C) The cat or dog has earned, or if under two years old, is in
40 the process of earning, a conformation, obedience, agility, carting,

1 *herding, protection, rally, sporting, working, or other title from*
2 *an approved purebred registry or association.*

3 ~~(2)~~

4 (3) The dog is appropriately trained and meets the definition of
5 guide dog, service dog, or signal dog, as set forth in subdivisions
6 (d), (e), and (f) of Section 365.5 of the Penal Code.

7 ~~(3) The dog is~~

8 (4) *The dog is trained, or is* documented as having been
9 appropriately trained and actively used by law enforcement
10 agencies for law enforcement and rescue activities.

11 ~~(4)~~

12 (5) The owner of a cat or dog provides a letter to the local
13 jurisdiction from a California licensed veterinarian stating that due
14 to age, poor health, or illness, it is unsafe to spay or neuter the cat
15 or dog. This letter shall include the veterinarian's license number
16 ~~and shall be provided, upon request, to the local animal control~~
17 ~~agency. and shall, if this information is available, include the date~~
18 ~~by which the dog or cat may be safely spayed or neutered.~~

19 (b) An unaltered cat or dog for which an intact permit was issued
20 who ceases to meet the requirements of subdivision (a) is subject
21 to the spay and neuter requirements set forth in Section 122336.1.

22 (c) (1) The amount of the fee for an intact permit shall be
23 determined by the local jurisdiction, and shall be no more than
24 what is reasonably necessary to fund the administration of that
25 jurisdiction's intact permit program.

26 (2) *If necessary, by May 15, 2008, a local jurisdiction may adopt*
27 *a permit differential fee for any dog or cat that is not spayed or*
28 *neutered, and for which there has been issued an intact permit, or*
29 *a document that qualifies as an intact permit under subdivision*
30 *(a) of Section 122336, prior to the enactment of this chapter.*

31 (d) *Nothing in this section shall prohibit a local jurisdiction*
32 *from adopting or enforcing a more restrictive spay or neuter*
33 *program pursuant to Section 122331, provided that the program*
34 *allows for a cat or dog to be temporarily or permanently exempted*
35 *from a spay or neuter requirement for the reasons set forth in*
36 *paragraph (4) of subdivision (a).*

Article 4. Funding

122336.3. (a) To the extent that funding is available pursuant to this chapter, a local animal control agency shall establish a free and low-cost spay and neuter program for low-income individuals. The agency shall undertake outreach efforts to inform qualified persons about these programs.

(b) All ~~fin~~*es civil penalties* collected pursuant to paragraph (3) of subdivision (b) of Section 122336.1 shall be used for funding ~~free and low-cost spay and neuter programs and outreach efforts in the jurisdiction where the violation occurred, and for the enforcement activities~~ *the enforcement activities* set forth in Article 5 (commencing with Section 122336.4).

(c) *All permit fees collected pursuant to subdivision (c) of Section 122336.2, shall be used for funding the administration of the permit program in the local jurisdiction in which the permits are issued.*

Article 5. Enforcement

122336.4. A local animal control agency shall be responsible for enforcing and administering this chapter.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

SEC. 4. *This act shall become operative on April 1, 2008.*